

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT	)	
FINANCE AGENCY	)	
Plaintiff	)	
	)	
v.	)	
	)	
ADP MARSHALL, INC., a FLUOR	)	
DANIEL COMPANY, and FIREMAN'S	)	
FUND INSURANCE COMPANY	)	
<u>Defendants</u>	)	
	)	
ADP MARSHALL, INC.	)	
Plaintiff in Counterclaim	)	
	)	
v.	)	
	)	
MASSACHUSETTS DEVELOPMENT	)	
FINANCE AGENCY	)	
<u>Defendant in Counterclaim</u>	)	
	)	
ADP Marshall, Inc.	)	
Third Party Plaintiff	)	
	)	
v.	)	
ALLIED CONSULTING ENGINEERING	)	
SERVICES, INC. ANDOVER	)	
CONTROLS	)	
CORPORATION, R & R WINDOW	)	
CONTRACTORS, INC., AND DELTA	)	
KEYSPAN, INC. N/K/A DELTA	)	
KEYSPAN, LLC, MADDISON	)	
ASSOCIATES, INC., UNITED STATES	)	
FIDELITY AND GUARANTY COMPANY	)	
FIDELITY AND DEPOSIT COMPANY	)	
OF MARYLAND, NATIONAL GRANGE	)	
MUTUAL INSURANCE COMPANY,	)	
TRAVELERS CASUALTY AND SURETY	)	
COMPANY OF AMERICA, AMERICAN	)	
HOME ASSURANCE COMPANY,	)	
HARTFORD ROOFING COMPANY,	)	
INC., and SPAGNOLO/GISNESS &	)	
ASSOCIATES, INC.	)	
<u>Third Party Defendants.</u>	)	

C.A. No.: CV 10203 PBS

**MOTION TO CONTINUE PRETRIAL ORDER DEADLINES**

Now Comes ADP Marshall, Inc., Massachusetts Development Finance Agency, Andover Controls Corporation, Delta Keyspan LLC, St. Paul Travelers Company, United States Fidelity and Guaranty, Allied Consulting Engineering Services, Inc. and R&R Windows and hereby moves this Honorable Court for a continuance of all deadlines set forth in this Court's Pretrial Order of April 11, 2005. The parties respectfully request a fourteen day (14) extension of all dates as follows:

1. Pretrial Disclosures as required by Fed.R.Civ.P. 26(a)(3) by July 15, 2005;
2. Objections to pretrial disclosures served and filed by July 29, 2005;
3. Joint pretrial memorandum filed, in accordance with L.R. 16.5(d) by August 5, 2005;
4. By July 26, 2005 the parties shall file/serve proposed jury instructions, proposed voir dire questions, motions in limine, witness/exhibit lists and any designations of deposition testimony;
5. The parties shall file/serve oppositions to motions in limine, any objection to witnesses or exhibits, and counter-designations of deposition testimony by August 5, 2005 ; and
6. Trial briefs shall be filed/served by August 8, 2005

As grounds therefore the parties state that settlement discussions continue and all parties are under the hope and belief that this matter will settle and that the party's, as well as this Honorable Court's, time is best served in the pursuit of an amicable settlement in this matter. The parties further state that no party will be unfairly prejudiced by the allowance of this motion.

WHEREFORE, the parties respectfully requests this Honorable Court grant this  
Motion to Continue.

Respectfully Submitted,  
MASSACHUSETTS DEVELOPMENT  
FINANCE AGENCY  
By its attorneys,

//s// Sabatino F. Leo  
EDWARD F. VENA, ESQ.  
BBO No.: 508660  
SABATINO F. LEO, ESQ.  
BBO No.: 642302  
VENA, RILEY, DEPTULA, LLP  
250 Summer Street, 2<sup>nd</sup> Floor  
Boston, MA 02210

Andover Controls Corporation  
By its attorneys,

//s// Eric Howard  
John McNamara (BB0#557882)  
Eric Howard (BBO#6375 14)  
Domestico, Lane & McNamanara  
16 1 Worcester Road  
Framingham, MA 01 701

Respectfully submitted,  
St. Paul Travelers Company  
By its attorneys,

//s// Bill O’Gara  
William E. O’Gara (BB0#555256)  
Holland & Knight, LLP  
One Financial Plaza, Suite 1800  
Providence, RI 02903  
(401) 751-8500

Respectfully submitted,  
ADP Marshall, Inc.

//s// Andrew Tine

Andrew J. Tine BBO#633639)  
Haese, LLC  
70 Franklin Street, Floor  
Boston, MA 02 1 10  
(617) 428-0266

Respectfully submitted,  
Delta Keyspan, LLC  
By its attorneys,

//s// Bill O’Gara

William E. O’Gara (BB0#555256)  
Holland & Knight, LLP  
One Financial Plaza, Suite 1800  
Providence, RI 02903  
(401) 751-8500

R&R Windows.  
By its attorneys,

//s// John Bruno

John H. Bruno II, Esq.  
Masi & Bruno  
124 Long Pond Road  
Plymouth, MA 02360  
(61 7) 720-3693

Respectfully submitted,  
United States Fidelity and Guaranty Company

//s// Eric Loeffler

Eric Loeffler, Esq.  
Cetrulo and Capone, LLP  
Two Seaport Lane  
Boston MA 02210  
(617) 217-5373

Respectfully submitted,  
Allied Engineering  
By its attorneys,

//s// Jeff Hallahan

Jeffery Hallahan, Esq.  
Donovan & Hatem  
Two Seaport Lane,  
Boston, MA 02210  
(6 1 7) 406-4500

Dated: 1 July 2005

**CERTIFICATE OF SERVICE**

I, Sabatino F. Leo, Esquire, hereby certify that I have, on this 1<sup>st</sup> day of July served a copy of the within by first-class mail, postage pre-paid upon all counsel of record.

//s// Sabatino F. Leo